

## IAUKEA'S CONTEST

CLAIM THAT HE HAS ALREADY FAILED TO COMPLY WITH THE RULES FOR CONTESTING AN ELECTION OF A MEMBER OF CONGRESS—THE LAW AS TO EXPENSES AND THE RULES OF A CONTEST.

The contesting of Prince Cupid's seat in Congress, if Colonel Iaukea should be able to take the matter to Washington, will involve the taking of many depositions here, at a large expense for some one. In the opinion of some Iaukea has already forfeited all rights he might have had in the matter, by failing to take the proper steps and it may be that the attempted contest will quickly die for failure to begin it properly. Congress makes provisions to pay the expenses of such contests but they are carefully scrutinized and in 1873 the following statute was passed:

"No payment shall be made by the House of Representatives out of its contingent fund or otherwise, to either party to a contested election case, for expenses incurred in prosecuting or defending the same."

In the Sundry Civil Appropriation Act of March 3, 1879 however, the following provision was made: "That hereafter no contestant or contestee for a seat in the House of Representatives shall be paid exceeding \$2,000 for expenses in election contests; and before any sum whatever shall be paid to a contestant or contestee for expenses of election contest, he shall file with the clerk of the committee on elections a full and detailed account of his expenses, accompanied by the vouchers and receipts for each item, which account and vouchers shall be sworn to by the party presenting the same, and no charges for witness fees shall be allowed in said accounts unless made in strict conformity to section one hundred and twenty-eight Revised Statutes of the United States."

As to the rules of the proposed contest, the federal statutes contains the following: "Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer of board of canvassers authorized

by law to determine the same, give notice in writing, to the member whose seat he designs to contest, of his intentions to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

"Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the parts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.

"In all contested election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days and the contestant may take testimony in rebuttal only during the remaining ten days of said period."

Provisions are made in the statutes for taking of depositions and mailing them to the clerk of the House of Representatives and it is then provided that the contest shall proceed as follows:

"The clerk of the House of Representatives, upon the receipt of such deposition or testimony, shall notify the contestant and contestee by registered letter through the mails, to appear before him at the Capitol, in person or by attorney, at a reasonable time to be named, not exceeding twenty days from the mailing of such letter, for the purpose of being present at the opening of the sealed packages of testimony and of agreeing upon the parts thereof to be printed."

The clerk is given power to determine what shall be printed, if the contestants cannot agree and he is to lay the whole before the House committee on elections, to which the contest is referred. The parties are required to pay the expenses of their own briefs.

## AMERICA MARU IS WITHDRAWN

H. Hackfeld and Company agents of the Toyo Kisen Kaisha received a cablegram this morning stating that the S. S. America Maru which was to have sailed last Saturday from Yokohama for Honolulu and San Francisco, had been withdrawn. No reason for her withdrawal was given. The vessel is now in Yokohama.

It is not unlikely that the vessel may have been withdrawn on order of the Japanese government who desire to use the vessel as an auxiliary cruiser or else in the transport service. There may also have been a lack of freight offered but this latter explanation is not so probable as the former.

ORDERED TO MANILA. E. H. Cooke of the United States Quartermaster's Depot has been ordered to Manila for duty in the Philippines.

OPEN EVENINGS. The great Santa Claus Emporium at Wall, Nichols will remain open every evening from now until Christmas Eve. The rush is now on. Buy early.

The greater the experience of persons possessing property or money the more they realize the wisdom of engaging the trust company as executor, trustee, attorney or agent.

The greater the inexperience, of such persons, the more the trust company's services are needed.

No charge for consultation.

Our Booklet "Money Management" free at our office or by mail.



**HAWAIIAN TRUST CO., LTD**  
Fort Street, Honolulu

## EWA RISES.

Ewa stock has gone up again, a number of sales being recorded today at \$27. The stock has had a slow upward tendency for many weeks past. Last month it was quoted as low as \$23.50 and in October it was below that. Since then it has slowly risen. Ewa will pay the last of its bonds early next year and has a fine crop in prospect.

M. Kellie, watchmaker and jeweler, Hotel and Union streets.

FORT AND HOTEL THE PLACE. The largest, choicest and cheapest selection of Xmas toys in Honolulu is at A. B. Arleigh & Co's.

## SAVE YOUR MONEY.

The Twenty-Ninth Series of Stock in the Pioneer Building & Loan Association was issued in July, 1904, and is now open for subscription. The membership fee is fifty cents per share, and the monthly fees are one dollar per month per share. The stock draws much better interest than a savings bank.

Further information can be obtained from A. V. Gear, Secretary, 122 King street.

## IMPERIAL SHAVING PARLORS.

For a good shave go to the Imperial Shaving Parlor, 15c. Three good barbers.

Mrs. M. Kellie, art studio, corner Hotel and Union streets.

## HUNTER'S SUPPLIES

SHOTGUNS, RIFLES, REVOLVERS

## Ammunitions

A FULL LINE AT

**PEARSON & POTTER CO.**  
Limited

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## TO REORGANIZE HANA PLANTATION

THE SALE UNDER FORECLOSURE IS SET FOR DECEMBER 24—REPORTED PLANS TO REORGANIZE THE PLANTATION UNDER GRINBAUM, WITH NEW CAPITAL FROM SAN FRANCISCO—GRINBAUM IS ON TOP AGAIN AFTER CONSIDERABLE LITIGATION.

The date of the sale of Hana Plantation has been set for December 24 and the plantation will be offered at auction on that date, under the decree of foreclosure signed by Judge Robinson last Friday. There are reports of plans to reorganize the plantation and it is said that M. S. Grinbaum is likely to take charge again after the reorganization, but it is not known just how definite the plans are. It was reported in San Francisco recently that Grinbaum & James Angus, formerly cashier of the Nevada Bank of San Francisco, and a heavy stockholder in Hana, were to take the lead in reorganizing the plan-

tation. Grinbaum was formerly at the head of its affairs but was ousted and was the defendant in a suit brought by some dissatisfied stockholders, but he won the suit and has since been placed in control again. Grinbaum when asked about the plantation today said that it was impossible to tell what would be done till after the sale. The reorganization plans, if any are under consideration, are dependent upon the result of the sale. One report in San Francisco is to the effect that Angus and others propose to put in new capital and that the plantation is likely to be run again with Grinbaum as its agent.

## TOEPLERMAN CASE AND GERMAN CONSUL

A. Toeplerman, who was found in a dying condition in a cell in the local jail, after he had been locked up as a drunk several weeks ago, is now thought to have an excellent chance of recovering his reason. Toeplerman has been the subject of considerable correspondence between the German consul, H. A. Isenberg, and High Sheriff Henry, and the case may yet become the subject of consular action, based on the claims of some of Toeplerman's friends that he was neglected in the jail.

The injured man is still in the Queen's Hospital and still unaware of his surroundings. He does not even know that he is in Honolulu. As far as his ideas go, he is still in the fertilizer works. All recollection of the night of his accident, or of his having made a trip to Honolulu at all, appears to be lost.

Toeplerman has recognized some of his friends, however, when they have called at the hospital. He is able to get up and walk round a bit and at times he recognizes callers, but not very definitely and he is unable to converse. Dr. Walter Hoffman, who is attending him, is recognized thoroughly, as a constant caller. The doctor and Toeplerman are old acquaintances. "I should say that there is an excellent chance for Mr. Toeplerman to recover his health and mental faculties," said the doctor this morning. "It is a matter of time. At present, while he is able to recognize some friends, he knows nothing of his condition. As far as Toeplerman knows, he is still at the fertilizer works. The many calls he receives from friends are very harmful to him, for every time he sees and recognizes a caller it greatly excites his brain and retards recovery. Such cases demand absolute quiet and rest and Toeplerman's friends will serve him best by keeping away from him. It may take a long time, as such cases often do, but the appearances indicate that Toeplerman will eventually be all right again."

Toeplerman's accident, or whatever it was, occurred nearly a month ago. Until very recently he has been unconscious or delirious and he failed to show signs of recognizing even his most intimate friends when first taken to the hospital. One side of his body was paralyzed, but the paralysis has all yielded to treatment and Dr. Hoffman thinks that this feature of the case is disposed of.

It is the opinion of some that Toeplerman will never be able to tell what happened to him. As far as he has recovered to questions as to what occurred on the night of his accident, he has told of a "celebration" with wine he did not have and with friends who were not in his company, indicating much confusion of recollection. His movements and doings as traced by the police show that the numerous bottles of wine of which he speaks were not had on the day of the trouble.

Toeplerman has many friends who are watching the case very closely and they have urged that the German consul take it up. Consul Isenberg and Sheriff Henry have had much correspondence on the subject and it is understood that the consul has the matter under consideration. The alleged neglect of Toeplerman when he was left in a cell as drunk, may be made the basis of a claim for damages.

## GRAND JURY NOW READY

The full panel of the Federal Grand Jury was soon filled up this afternoon when the different citizens summoned from the body of the community put in their appearance before Judge Dole. The special venire consisted of the following:

C. M. V. Forster, J. A. McCandless, W. O. Atwater, J. A. Gilman, J. P. Cooke, E. R. Bath, S. M. Damon, P. C. Jones, John Effinger, Harry A. W. er and J. J. Spitzer.

All were able to serve except P. C. Jones who was excused by Judge Dole. The jury having been sworn Judge Dole read his charge which was of considerable length.

After describing the functions of the Grand Jury as an institution, Judge Dole made special reference to the different matters that would probably have to be particularly considered. These he said were the following: Section from the Revised Statutes: Section 5505:

"If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be punishable by fine and imprisonment."

Section 5403: "Every person who wilfully destroys or attempts to destroy, or carries away any record, paper or proceeding of a court of justice, or any paper, or document, or record filed or deposited in any public office, shall without reference to the value of the record, paper, document, or proceeding so taken be punishable by fine or imprisonment not less than one year, or both."

Section 5405: "Every officer having the custody of any record, document, paper or proceeding specified in section 5403, who fraudulently takes away, or withdraws, or destroys, any such record, shall be punishable by fine, or

imprisonment at hard labor." S. M. Damon was appointed foreman and the Grand Jury went into session at once.

After a heart-breaking voyage the German bark Primus arrived this morning from Leith, 27 days out. Bad luck was responsible for the delay. The vessel left Leith with about 1720 tons of general cargo, principally sulphate, for H. Hackfeld & Company, on March 10. The vessel encountered a continuous gale soon after sailing and had finally to put back to Aberdeen on April 1 with her foremast gone, her lifeboats and compass swept away. After repairing at Aberdeen she resumed her voyage about the middle of May.

To the Line she was 36 days and from the Line to 50 degrees south latitude 30 days more. Light weather was generally experienced during that part of the trip, but it was while rounding Cape Horn, from 50 degrees south in the Atlantic to 50 degrees south in the Pacific, that the vessel encountered more bad weather. Gale after gale beset her and she was 46 days rounding the cape. Her bulwarks were smashed, the wheelbox smashed into kindling wood and considerable minor damage was done.

Captain G. Bohndorf knew that the vessel was foul and when he discovered some days after getting into the Pacific that the vessel carried not more than 30 days' supply of water, he decided to make for Valparaiso for a fresh supply. He arrived at Valparaiso 56 days ago and left 53 days ago. From the Line the vessel was 25 days coming to this port.

Captain Bohndorf is well known in this port, to the old timers. He came here first in 1869 in a sailing ship and in 1890 he was again here in the German bark Charlotte at the time that the remains of King Kalakaua were brought from San Francisco by the cruiser Charleston.

ARRIVING. German bark Primus, Bohndorf, 277 days from Leith via Aberdeen and Valparaiso, at noon.

## Russians Are Demanding Reforms

(Associated Press Cable to The Star.)

ST. PETERSBURG, Dec. 12.—Quiet has been restored here. The newspapers demand the inauguration of reforms in the government.

MUKDEN, Dec. 12.—Attacks by Japanese on the Russian trenches have been repulsed.

CARNEGIE MUST TESTIFY. NEW YORK, Dec. 12.—Andrew Carnegie has been subpoenaed to appear at Cleveland to testify in the case against Mrs. Chadwick charged with swindling in that city.

REFINED SUGAR IS REDUCED. NEW YORK, Dec. 12.—The following reductions in the price of refined sugar per hundred were announced today: No. 13, 5 cents; No. 14, 10 cents.

ENGLAND AND AMERICA SIGN TREATY. WASHINGTON, D. C., December 12.—The Anglo-American arbitration treaty has been signed.

SMOOT'S CASE. WASHINGTON, D. C., Dec. 12.—The hearing in the Reed Smoot case whose right to take his seat in the United States Senate from Utah is being disputed, has been resumed.

SHELLS FIRE PORT ARTHUR ARSENAL. TOKIO, Dec. 12.—The bombardment of Port Arthur by the besieging army, has damaged the works on Golden Hill, set fire to the arsenal and injured the Russian wireless station.

Washington, December 12th, 1904. To the Japanese Consul-General, Honolulu: Our Port Arthur beleaguering army reports that bombardment on the 11th inst inflicted considerable damage on the enemy's Wireless Telegraph Station at the foot of Golden Hill and set the arsenal afire. HIOKI.

## NOW AFTER THE CLUB

ATTORNEY GENERAL ANDREWS BRINGS PENAL ACTION AGAINST THE PACIFIC CLUB.

Following the opinion given by Attorney General Andrews to Governor Carter on the question as to whether clubs which supply liquor to members are subject to the payment of a liquor license, action was commenced by the Attorney General this morning against the Pacific Club as a corporation.

The action taken consists of the issuance of a penal summons charging the club with selling liquor without a license, the warrant being returnable in the Police Court. Under this, the officers of the club are just as liable to arrest as are the proprietors of the lowest "speakeasy" on Iwilei, though as the case is in a sense a test it is hardly probable that President A. S. Cloghori, Vice-President Godfrey Brown, Secretary J. G. Spencer and Treasurer J. M. Dowsett will be dragged away in the patrol wagon and herded into cells by the genial Billy Woods.

The Club will fight the case through on its merits and the fact that there are decisions in direct opposition in many different states there is the chance of a very pretty legal battle.

SACHS' XMAS GOODS. Beautiful Holiday articles of every description at N. S. Sachs Dry Goods Co. Sachs is the Christmas store and your pocket book will go furthest there. Don't forget the Christmas.

Star "Want" ads pay 25 cents.

## THE OLD RELIABLE

**ROYAL BAKING POWDER**  
Absolutely Pure  
THERE IS NO SUBSTITUTE

## THE WILL PRODUCED

Attorney A. F. Judd presented the will of the late Constant Stirling for probate in Judge Robinson's court this morning. Stirling died in a hospital at Colombo, Ceylon, on January 8 last, leaving property in Hawaii amounting to \$7700 in value. The delay in the appearance of the will has been due to the formalities which have to be gone through in the Ceylon courts. The widow resides in San Francisco.

Relief After Six Years—Mrs. M. A. Clark, of Timberrange, N. S. W., Australia, writes: "I wish to inform you of the wonderful benefit I have received from your valuable medicines. I suffered from a severe cough for six years and obtained no relief until I took Chamberlain's Cough Remedy. One bottle cured me and I am thankful to say that I have never had the cough since. Make any use of this letter that you like for the good of any other poor sufferers." For sale by all dealers, Benson Smith & Co., agents for Hawaii.

DRUG STORE XMAS GOODS. We can interest you with fine perfumes, kodaks, toilet cases, brushes and combs, hand mirrors, fine soaps, in fact we have many articles suitable for the holidays and would like to show them to you. Hobron Drug Co.

## Stylish Oxfords for Men

A new style in men's Oxfords just here, in Tans and Ideal Kid.

Tans are exceedingly popular everywhere and shiny leathers favorites always. The new styles are of the Blucher cut and, besides the very best materials obtainable, the greatest skill is used in their construction.

Tans.....\$5.50  
Ideal Kid.....6.00

Compare them with \$7 and \$8 shoes and see if you can point wherein they are inferior.

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